

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

WESTERNGECO L.L.C.,

Plaintiff,

v.

ION GEOPHYSICAL CORPORATION,

Defendant.

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Civil Action No. 4:09-cv-01827

Judge Keith P. Ellison

**SECOND NOTICE OF APPEAL**

Pursuant to Section 1292(a)(1), (c)(1), (c)(2), and 1295(a)(1) of Title 28 of the United States Code, and Federal Rules of Appellate Procedure 3 and 4, notice is hereby given that ION Geophysical Corporation, Defendant, in the above-named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the District Court's October 24, 2013 Order (Dkt. No. 664) granting, among other things, injunctive relief to Plaintiff; and also from earlier orders, rulings and acts of the District Court overruling Defendant's motions and objections, or granting or sustaining Plaintiff's motions and objections, as well as other adverse holdings or rulings to Defendant (including but not limited to construction of the claims of the patents in suit), along with the verdict of the jury and submission of the case to the jury.<sup>1</sup>

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<sup>1</sup> The October 24, 2013 Order does not appear to be a final judgment, but it included an order granting a request to issue or modify injunctive relief. This Second Notice of Appeal is filed out of an abundance of caution to preserve Defendant's right to appeal all issues and avoid any jurisdictional argument.

The first notice of appeal was filed on July 17, 2013, Dkt# 640, and was docketed in the United States Federal Circuit as case number 13-1527, which has been stayed by agreement and order of the Court. The first notice of appeal is attached as Exh. 1, and incorporated by reference as if included in full.

The fee to docket this appeal has been paid to the district clerk, and the required number of copies of this notice have been provided to the district clerk.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record via the Court ECF/CFM system on this 22<sup>nd</sup> day of November, 2013.

/s/ David J. Healey

David J. Healey